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As Conservator For Western Corporate Federal Credit Union .

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 1ST VALLEY CREDIT UNION; CASCADE
11 FEDERAL CREDIT UNION;
GLENDAL AREA SCHOOLS FEDERAL
12 CREDIT UNION; KAIPERM NORTHWEST
FEDERAL CREDIT UNION; NORTHWEST
13 PLUS CREDIT UNION; STAMFORD
FEDERAL CREDIT UNION; and TULARE
14 COUNTY FEDERAL CREDIT UNION,

15 Plaintiffs,

16 v.

17 DONNA BLAND, ROBERT BURRELL,
JEREMY CALVA, WILLIAM CHENEY,
18 LAURA CLOHERTY, GORDON DAMES,
ADAM DENBO, DIANA R. DYKSTRA,
JEFF HAMILTON, ROBERT H. HARVEY,
19 JR., JAMES HAYES, WAYNE HOPE,
DWIGHT JOHNSTON, JAMES P. JORDAN,
20 TIMOTHY KRAMER, ROBIN J. LENTZ,
SUSANNE LONGSON, JOHN M. MERLO,
21 WARREN NAKAMURA, BRIAN OSBERG,
DAVID ROUGHTON, TIMOTHY SIDLEY,
22 ROBERT SIRAVO, DAVID TRINDER,
DARREN WILLIAMS, RISKSPAN INC., and
23 DOES 1 through 100, inclusive.

24 Defendants

25 and

26 NATIONAL CREDIT UNION
ADMINISTRATION AS CONSERVATOR
27 FOR WESTERN CORPORATE FEDERAL
CREDIT UNION,
28 Intervenor.

Case No.: CV10-01597 GW
(MANx)

**NOTICE OF MOTION AND
MOTION TO SUBSTITUTE
THE NATIONAL CREDIT
UNION ADMINISTRATION
AS CONSERVATOR FOR
WESTERN CORPORATE
FEDERAL CREDIT UNION
IN PLACE OF PLAINTIFFS**

**Date : June 14, 2010
Time : 8:30 a.m.
Crtrm: 10**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on June 14, 2010, or soon thereafter as this
3 matter may be heard before the Honorable George H. Wu, United States District
4 Judge, in Courtroom 10 of the United States District Court located at 312 S. Spring
5 Street, Los Angeles, California 90012, intervenor, the National Credit Union
6 Administration as Conservator for the Western Corporate Federal Union (the
7 “Conservator”) will, and hereby does, move the Court pursuant to Rule 17 of the
8 Federal Rules of Civil Procedure and 12 U.S.C. § 1787 for an order substituting the
9 Conservator as the real party in interest in place and stead of the Plaintiffs in the
10 above-captioned matter.

11 This Motion is made on the grounds that under 12 U.S.C. § 1787(b)(2)(A),
12 the Conservator has succeeded to all rights and obligations of WesCorp and of its
13 members, the Plaintiffs in this matter, with respect to any and all assets of the credit
14 union, including claims against former and current directors and officers for
15 breaches of fiduciary duty, negligence, and mismanagement of the institution.
16 Because the Conservator and not the individual member credit union plaintiffs has
17 the exclusive right to pursue claims against current and former directors and
18 officers, the Conservator should be substituted as the real party in interest in place
19 and stead of the Plaintiffs in this action.

20 This Motion is based on this notice of motion, the accompanying
21 memorandum of points and authorities, the original declaration of David Shetler
22 filed in the Los Angeles Superior Court in support of the Conservator’s motion to
23 intervene (a copy of which is now in this Court’s file), all pleadings on file herein,
24 and on such other and further argument and evidence as may be presented at the
25 time of the hearing.

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1 This Motion is made following the conference of counsel pursuant to L.R. 7-3
2 which took place on April 29, 2010.

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4 DATED: May 11, 2010

LUCE, FORWARD, HAMILTON & SCRIPPS LLP
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8 By: /s/ Michael H. Bierman

Michael H. Bierman
Attorneys for The National Credit Union
Administration as Conservator for Western
Corporate Federal Credit Union.

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